

# LORD HOWE ISLAND BOARD

## MINUTES OF THE MEETING OF THE LORD HOWE ISLAND BOARD

HELD ON LORD HOWE ISLAND ON MONDAY 23 & TUESDAY 24 NOVEMBER 2015

Present: Mr P Minns (Chair – PM)  
Mr B Nichols (Deputy Chair - BN)  
Ms L Makiiti (Member – LM)  
Mrs J Riddle (Member - JR)  
Mr C Wilson (Member - CW)  
Mr J King (Member - JK)  
Mr R Pallin (Member – RP)

Board staff present at all sessions were Penny Holloway (Chief Executive Officer - PH), Bill Monks (Manager Business & Corporate Services - BM), David Kelly (Manager Environment & Community Development - DK), and Andrew Logan (Manager Infrastructure & Engineering Services – AL).

The Board's external Planning Consultants were represented by Mr Peter Mangels (PMA) from RPS.

The Closed Session commenced at 11:00 am at the Public Hall on Monday 23 November 2015 and closed at 4.08 pm.

The Open Session commenced at 9:02 am at the Public Hall on Tuesday 24 November 2015 and closed at 12:26 pm, and was attended by approximately 30 members of the public.

Unless otherwise specified, all Board decisions were unanimous.

PM informed members of the public that the meeting would be recorded, as was normal practice, to assist with the preparation of the minutes of the meeting.

### **1 MINUTES OF PREVIOUS MEETING**

The Board noted the endorsed minutes of the previous meeting held in September 2015.

### **2 OUT OF SESSION MATTERS**

PH gave an overview of the paper.

The Board members noted the information provided in the Out of Session paper.

### **3 ACTIONS FROM PREVIOUS MEETINGS - STATUS REPORT**

PH stated that most of the action items from previous meetings had been completed, whilst work was in progress on the others.

The Board members noted the information provided in the report.

### **4 CHIEF EXECUTIVE OFFICER'S REPORT**

PH gave an overview of the Report.

PM stated that this would be his final Board meeting as the Chairperson, and introduced Ms Sonja Stewart as the Minister's nominee for the role. Ms Stewart is his replacement at the Department of Premier and Cabinet and, subject to Cabinet approval, would assume the role of Chairperson. He added that he was disappointed not to be able to continue in the role.

The Board members noted the other information provided in the CEO's Report.

### **5 MOTOR VEHICLE IMPORTATION OR TRANSFER**

#### **5 (i) Motor Vehicle Importation and Transfer Status Report**

PH gave an overview of the paper.

The Board members noted the information provided in the Report.

### **6 FINANCIAL IMPACT REPORT FOR PROPOSALS ON AGENDA**

Closed session

### **7 DEVELOPMENT APPLICATIONS**

#### **7 (i) Owner Consent Approved Under Delegated Authority**

PH advised the Board of the Owner Consent applications approved by the CEO since the last Board meeting.

The Board members noted the information provided in the Owner Consent under Delegated Authority paper.

#### **7 (ii) Development Applications dealt with under Delegated Authority**

PH advised the Board of Development Applications approved by the CEO since the last Board meeting.

The Board members noted the information provided in the Development Applications dealt with under Delegated Authority paper.

#### **9 (ii) Transfer of Accommodation Licences Turk to Baillie**

PM stated that this agenda item had been brought forward as its resolution could impact upon the Board's deliberations in regard to Agenda Item 7 (iv).

BM gave an overview of the paper.

BN stated that, if approved, Hideaway would have the physical capacity to accommodate double the number of tourists than it had licences for. He added that Valerie Turk had been invited to address a recent Elected Board Members meeting in order to explain and provide documentation regarding the use and configuration of the spare capacity if the transfer of licences was approved. He further added that, as no details of the proposed uses of the spare capacity had been forthcoming, he could not support the recommendation to approve the transfer of four licences from Valerie Turk (Hideaway) to James Baillie (Capella).

It was moved RP, seconded JR, that the Board not approve the transfer of four Tourist Accommodation Licences from Valerie Turk to James Baillie.

The Board then adopted the motion.

### **7 (iii) OC2016-06 Hiscox (Garage and staff accommodation)**

PMA gave an overview of the paper.

Discussion was held regarding the difference between a dwelling and staff accommodation, and how to deal with this issue consistently. It was agreed that this issue should be addressed as part of the review of the LEP scheduled for 2016. It was also agreed that family members should not be precluded from occupying staff accommodation if they are genuine employees.

It was moved RP, seconded LM, that the Board approve the Owner Consent application, subject to the conditions listed.

The Board then adopted the motion subject to the conditions specified.

### **7 (iv) OC2016-07 Baillie (Capella alterations and additions)**

PMA gave an overview of the paper.

It was moved RP, seconded CW, that the Board partially approve the Owner Consent application, subject to the conditions listed and subject to a geotechnical report which assesses the potential for land slip in the locality to impact on the proposed development being submitted with the Development Application. The partial approval was for:

1. The demolition of staff accommodation,
2. The construction of staff accommodation, and
3. Alterations and additions to the main lodge building and Room 9 of the tourist accommodation.

Not approved was the extension of Room 7, because the transfer of tourist accommodation licences at Agenda Item 9 (ii) was not approved.

The Board then adopted the motion subject to the conditions specified.

### **7 (v) OC2016-08 Maxwell (Pandanus redevelopment)**

PMA gave an overview of the paper.

It was moved JK, seconded CW, that the Board approve the Owner Consent application, subject to the conditions listed.

The Board then adopted the motion subject to the conditions specified.

#### **7 (vi) DA2015-16: Jeremy (Dignam Boatshed)**

PMA gave an overview of the paper.

It was moved RP, seconded BN, that the Board approve the Development Application, subject to the conditions listed, and subject to the condition that the slipway rails be limited to the length of the cradle.

The Board then adopted the motion subject to the conditions specified.

#### **7 (vii) DA2016-03 Lord Howe Island Board (Solar Panels)**

PMA gave an overview of the paper.

It was moved RP, seconded BN, that the Board approve the Development Application, subject to the conditions listed, and subject to Condition 2 being amended as follows:

*This approval is for the construction of solar panels across all three Solar areas identified on the approved drawing and one of the two road options.*

*Reason: To clarify the approved development as being options based, as was proposed.*

The Board then adopted the motion subject to the conditions specified.

JR raised concerns about traffic safety along the section of Anderson Road from Middle Beach Road intersection to Portion 230 given that the proposal would result in increased traffic.

#### **7 (viii)**

Withdrawn

#### **7 (ix) DA2016-07 Lord Howe Island Board (Community Hall Commercial Wastewater)**

PMA gave an overview of the paper.

AL explained that although the irrigation area was not ideal, other options surrounding the precinct had been considered thoroughly and discounted because the Board did not want to take up land which would be needed by other leaseholders and that other public land (eg. Road reserve behind Marine Parks office) should be preserved for future alternative use such as parking.

JR expressed the view that it would be preferable if the public safety issue was addressed by the planting of vegetation rather than the erection of a fence.

The other Board members concurred with JR's view.

It was moved LM, seconded JR, that the Board approve the Development Application, subject to the conditions listed, and subject to Condition 17 being amended to read as follows:

## **17. Ongoing Monitoring of the Wastewater Management System**

In addition to the requirements of the Strategy and Design Guidelines, the effluent quality of the Wastewater Management System effluent must be monitored for Total Nitrogen and Total Phosphorus as follows:

- a) on a monthly basis for the first three months,
- b) quarterly monitoring for the following 12 months
- c) twice a year every year thereafter.

This monitoring will need to demonstrate ongoing satisfactory performance. If after 12 months the system has not met the nutrient removal requirements for the sizing of the irrigation area, the applicant will be required to provide an additional irrigation area to meet the Strategy requirements. If so, this will be subject to development approval.

*Reason: To ensure that the spread of disease by bacteria, viruses, parasites and other organisms does not contaminate ground and surface water, cause odours and be dangerous to community health.*

The Board then adopted the motion subject to the conditions specified.

### **7 (x) DA2016-08 Lord Howe Island Board (Jetty commercial wastewater)**

PMA gave an overview of the paper.

JR expressed the view that it would be preferable if the public safety issue was addressed by the planting of vegetation rather than the erection of a fence.

The other Board members concurred with JR's view.

It was moved RP, seconded LM, that the Board approve the Development Application, subject to the conditions listed and subject to the planting of vegetation rather than the erection of a fence.

The Board then adopted the motion subject to the conditions specified and subject to the planting of vegetation rather than the erection of a fence.

### **7 (xi) Biannual Planning and Assessment Report**

PMA gave an overview of the paper.

The Board members noted the information provided in the Report.

## **8 POLICY AND STRATEGY**

### **8 (i) Foreshore Management Plan**

DK gave an overview of the paper.

It was moved JK, seconded LM, that the Board endorse the Foreshore Management Plan, as amended, subject to the plan including a condition relating to the storage and handling of fuel

and other dangerous goods in accordance with the Board's risk assessment with LHI Sea Freight Pty Ltd and EPA requirements.

The Board then adopted the motion.

## **9 FINANCE AND BUSINESS MANAGEMENT**

Closed session

### **9 (iii) Annual Report 2015**

BM gave an overview of the paper.

The Board members noted The Lord Howe Island Board Annual Report 2014/15, inclusive of Financial Statements, and the Statutory Audit Report.

The Board members further noted a typographical error on page 39 of the Annual Report, which incorrectly showed a grant to the Seventh Day Adventist Church of \$40,000 rather than \$4,000.

## **10 LEASING AND LAND ADMINISTRATION**

### **10 (i) Permissive Occupancy Fee Marine Parks Authority**

DK gave an overview of the paper.

It was moved RP, seconded BN, that the Board approve the revised land rental valuation dated 11 November 2015 for Permissive Occupancy Agreement (POA2014.02) held by NSW Trade and Investment for the purpose of a staff residence and office, acknowledging that:

1. NSW Trade and Investment provide an essential service in the management of the Lord Howe Island Marine Park and the joint management of the LHIG World Heritage Property,
2. the land cannot be willed or transferred to others, and
3. the valuation does not include building improvements.

The Board then adopted the motion.

## **11 GOVERNANCE**

### **11 (i) Meeting Code of Practice**

BM gave an overview of the paper.

It was moved JK, seconded LM, that the Board approve the Meeting Code of Practice as presented.

The Board then adopted the motion.

### **11 (ii) Delegation of Authority under the Act**

PH gave an overview of the paper.

It was moved RP, seconded JR, that the Board:

1. Endorse the delegations as per Attachments 1 and 2, and
2. Seek the Minister's approval for the Schedule of Delegations.

The Board then adopted the motion.

## **12 OPERATIONS AND SERVICES**

### **12 (i) Rodent Eradication Program Update**

PH gave an overview of the paper.

The Board members noted the information provided in the paper.

A member of the public, Aleco Vrisakis, addressed the meeting. He stated that he was a lawyer, and represented several residents who were opposed to the rodent eradication program. He spoke for 12 minutes, outlining the rationale for his opposition.

Mr Vrisakis had five questions that he put to the Board, and requested that the Board respond in writing in due course. He undertook to send the five questions to the Board by mail or email.

PH stated that the Board would respond to his five questions within a reasonable period of time after receipt of his written request.

### **12 (ii) Renewable Energy Program**

AL gave an overview of the paper.

The Board noted the information provided in the paper.

### **12 (iii) Boat Ramp and Slipway Project**

AL gave an overview of the paper.

The Board noted the information provided in the paper.

### **12 (iv) Runway Resurfacing & Drainage Improvements Project Update**

AL gave an overview of the paper.

The Board noted the information provided in the paper.

### **12 (v) Environmental Grants Progress Report**

DK gave an overview of the paper.

The Board noted the information provided in the paper.

### **12 (vi) Windy Point Coastal Erosion**

AL gave an overview of the paper. He added that those members of his unit who had worked on the project had done an excellent job.

The Board noted the information provided in the paper.

## **12 (vii) Weed Management Strategy and Program Update**

PH gave an overview of the paper.

RP stated that he and his wife, Nancy, would sponsor a block for 10 years once the 'Adopt a block / Adopt a hectare' program was up and running, and encouraged others to take up a sponsorship.

Board members thanked RP for his generosity.

The Board noted the information provided in the paper.

## **13 WH&S AND PUBLIC RISK MANAGEMENT**

### **13 (i) Workplace Health and Safety and Public Risk Management Update**

PH gave an overview of the paper.

The Board noted the information provided in the paper.

## **14 INTERVIEWS**

Closed session

## **15 GENERAL BUSINESS & QUESTIONS ON NOTICE**

Nil General Business or Questions on Notice.

The public meeting closed at 12:26 pm on Tuesday 24 November 2015.

### **Next Meeting**

The dates for the next Board meeting are 21-22 March 2016.